UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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UNITED STATES OF AMERICA, Plaintiff, v. **Def#1) Jose MONJARAZ,** **Def#2) Jose CARRANZA-Solorio** Defendant(s)	Magistrate Case No. '08 MJ 1040 CWH COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

COUNT ONE

On or about **April 3, 2008,** within the Southern District of California, defendant **Jose MONJARAZ,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Leonel MAYA-Santillan, Fermin HERNANDEZ-Valerio,** and **Gliserio MORENO-Dominguez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about **April 3, 2008,** within the Southern District of California, defendant **Jose CARRANZA-Solorio**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Leonel MAYA-Santillan, Fermin HERNANDEZ-Valerio,** and **Gliserio MORENO-Dominguez,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** DAY OF **APRIL 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Def#1) Jose MONJARAZ,
Def#2) Jose CARRANZA-Solorio

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Leonel MAYA-Santillan, Fermin HERNANDEZ-Valerio,** and **Gliserio MORENO-Dominguez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 3, 2008, at 9:20 am, San Diego Sector North County Border Patrol Agents were performing surveillance in a plain cloth capacity in the Oceanside, California area. Agent E. Ortega was in full Border Patrol uniform driving a marked service sedan. During surveillance, Agent Ortega encountered a white Pontiac Bonneville traveling northbound on I-5 near Las Pulgas road. The Pontiac appeared to be heavily loaded even though only two occupants were visible. Agent Ortega believed that this vehicle was being utilized to smuggle illegal aliens. Agent Ortega began to follow the Pontiac and advised nearby agents of his location and observations.

As Agent Ortega drove next to the Pontiac he noticed that two rear passengers were ducked down. This is commonly done by illegal aliens to avoid detection from the Border Patrol. Agent Ortega got behind and attempted a vehicle stop on the Pontiac by activating his lights and siren on his marked Border Patrol sedan. The Pontiac refused to yield to lights and sirens and speed up. The Pontiac traveled northbound I-5 for approximately two miles before exiting off onto Cristianitos Road. The Pontiac proceeded to make a left turn and traveled eastbound for approximately two hundred feet before stopping as traffic came to a complete stop.

Agent Ortega approached the vehicle and identified himself as a Border Patrol Agent and questioned the driver as to his citizenship. The driver, later identified as defendant **Jose MONJARAZ**, stated he was a citizen of Mexico and did not possess any immigration documents that would allow him to be in the United States legally. As Agent Ortega was questioning the defendant, he noticed several individuals in the back seat trying to conceal themselves. Agent Ortega questioned all the occupants as to their citizenship. All subjects stated they were citizens of Mexico and did not possess any immigration documents that would allow them to be in the United States legally. At 9:30 a.m., all the occupants of the vehicle including the defendant were arrested and transported to the Murrieta Border Patrol Station for processing.

CONTINUATION OF COMPLAINT:
Def#1) Jose MONJARAZ,
Def#2) Jose CARRANZA-Solorio

DEFENDANTS STATEMENT: Jose MONJARAZ

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. When questioned as to today's event, the defendant stated that he was told in Mexico that if he drove the illegal aliens to Los Angeles, he would not have to pay a smuggling fee to which he agreed.

DEFENDANTS STATEMENT: Jose CARRANZA-Solorio

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. When questioned as to today's event, the defendant stated that he was as a foot guide and it was his first day. The defendant stated that he was to receive $250.00 USD per person that he smuggled.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Leonel MAYA-Santillan, Fermin HERNANDEZ-Valerio,** and **Gliserio MORENO-Dominguez** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay a fee to be smuggled into the United States. The material witnesses were shown a photographic line up and were able to identify defendant **#1 MONJARAS** as the driver of the vehicle and MAYA-Santillan was able to identify defendant **#2 CARRANZA** as the foot guide.